

1 KURT C. FAUX, ESQ.
Nevada Bar No. 003407
2 WILLI H. SIEPMANN, ESQ.
Nevada Bar No. 002478
3 JORDAN F. FAUX, ESQ.
Nevada Bar No. 12205
4 THE FAUX LAW GROUP
2625 N. Green Valley Parkway, #100
5 Henderson, Nevada 89014
Telephone: (702) 458-5790
6 Facsimile: (702) 458-5794
Email: kfaux@fauxlaw.com
7 wsiepmann@fauxlaw.com
jfaux@fauxlaw.com
8 *Attorneys for American Contractors Indemnity Company*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 United States of America For the Use and
Benefit of Wells Cargo, Inc.,

12 Plaintiff,

13 vs.

14 Alpha Energy and Electric, Inc., a Missouri
15 Corporation, and AMERICAN CONTRACTORS
16 INDEMNITY COMPANY, a California
corporation,

17 Defendants.

18 Alpha Energy and Electric, Inc., a Missouri
Corporation,

19 Third Party Plaintiff,

20 vs.

21 Northcon, Inc., an Idaho Corporation;
22 Southwestern Construction, Inc., a Utah
Corporation; DOES 1 through 10; and ROE
Corporations 1 through 10,

23 Third Party Defendants.
24

Case No.: 2:18-cv-01182-JCM-DJA

**STIPULATION AND ORDER OF
DISMISSAL WITH PREJUDICE**

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Defendant, American Contractors Indemnity Company (“ACIC”), Plaintiff, United States of America for the Use and Benefit of Wells Cargo, Inc. (“Wells Cargo”), Defendant/Third-Party Plaintiff Alpha Energy and Electric, Inc. (“Alpha”), Third-Party Defendant Northcon, Inc. (“Northcon”), and Third-Party Defendant Southwestern Construction, Inc. (“Southwestern Construction”), by and through their respective undersigned counsel of record hereby stipulate, agree and request that the Court dismiss Wells Cargo’s First Amended Complaint (ECF No. 41) with prejudice. Each party will bear their own attorney fees and costs except that ACIC reserves any and all indemnity rights it may have as to any indemnitor at whose request the subject bond was issued.

FENNEMORE CRAIG, P.C.**THE MEDRALA LAW FIRM, PLLC**

/s/ Brandi M. Planet

/s/ Jakub Medrala

Brandi M. Planet, Esq. (#011710)
 300 South Fourth Street, Suite 1400
 Las Vegas, NV 89101
 Telephone: (702) 791-8203
 Facsimile: (702) 791-8240
 Email: bplanet@fclaw.com

Jakub Medrala, Esq.
 1091 S. Cimarron Road, #A-1
 Las Vegas, Nevada 89145
 Telephone: (702) 475-8884
 Facsimile: (702) 938-8625
Attorneys for Alpha Energy and Electric, Inc

John Randal Jefferies, Esq. (#3512)
 2394 E. Camelback Road, Suite 600
 Phoenix, AZ 85016
 Telephone: (602) 916-5313
 Email: rjefferies@fclaw.com
*Attorneys for United States of America for use
 and benefit of Wells Cargo, Inc.*

**STIPULATION AND ORDER OF
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PISKEL YAHNE KOVARIK, PLLC

STRONG & HANNI, P.C.

/s/ Ryan D. Yahne

/s/ Michael D. Stanger

Ryan D. Yahne, Esq., Pro Hac Vice
Benjamin J. McDonnell, Pro Hac Vi
522 West Riverside Ave., Suite 70
Spokane, WA 9920
Telephone: (509) 321-593
Facsimile: (509) 321-5935
Email: ryan@pyklawyers.com
ben@pyklawyers.com

Michael D. Stanger, Esq. (#8272)
102 South 200 East, Suite 800
Salt Lake City, Utah 84111
Telephone: (801) 532-7080
Facsimile: (801) 596-150
Email: mstanger@strongandhanni.co

Brian W. Boschee, Esq. (#7612)
Donna DiMaggio, Esq. (#9794)
Holley Driggs Walch Fine
Wray Puzey & Thomp
400 S. Fourth Street, 3rd Floo
Las Vegas, NV 8910
Telephone: (702) 791-0308
Facsimile: (702) 791-1912
Email: bboschee@nevadafirm.com
ddimaggio@nevadafirm.com

Chet A. Glover, Esq. (#10054)
SMITH LARSEN & WIXOM
1935 Village Center Circle
Las Vegas, Nevada 89134
Telephone: (702) 252-5002
Facsimile: (702) 252-5006
Email: cag@slwlaw.com
Attorneys for Southwestern Construction, Inc.

Attorneys for Northcon

THE FAUX LAW GROUP

/s/ Jordan F. Faux

KURT C. FAUX, ESQ.
WILLI H. SIEPMANN, ESQ.
JORDAN F. FAUX, ESQ.
2625 N. Green Valley Parkway, #100
Henderson, Nevada 89014
Telephone: (702) 458-5790
Facsimile: (702) 458-5794
Email: kfaux@fauxlaw.com
wsiepmann@fauxlaw.com
jfaux@fauxlaw.com
*Attorneys for American Contractors Indemnity
Company*

STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE

Case No.: 2:18-cv-01182-JCM-DJA

GOOD CAUSE APPEARING THEREFORE, Wells Cargo's First Amended Complaint (ECF No. 41) is dismissed with prejudice. Each party will bear their own attorney fees and costs except that ACIC reserves any and all indemnity rights it may have as to any indemnitor at whose request the subject bond was issued.

IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

September 12, 2019
DATED: _____